

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

OLIVIA Y., et al	)	
	)	
Plaintiffs	)	
	)	
v.	)	CIVIL ACTION NO. 3:04cv251 TSL-FKB
	)	
PHIL BRYANT, as Governor of the	)	
State of Mississippi, <i>et al.</i> ,	)	
	)	
Defendants	)	

**DEFENDANTS' MOTION FOR APPROVAL  
OF CONTENTION DISCOVERY  
RELATED TO RULE 60(b) MOTION**

The Plaintiffs' Motion For Scheduling Conference And For Amended Case Management Order Permitting Limited Discovery; And Response To Defendants' Objections To Plaintiffs' Proposed Discovery (the "Plaintiffs' Scheduling Conference/CMO Motion") [Dkt. No. 768] was heard by the Court on Friday, August 24, 2018.

Because the Plaintiffs' Scheduling Conference/CMO Motion requested both a Scheduling Conference and entry of a Case Management Order relating to the Defendants' Rule 60(b) Motion, the Defendants believed that the Court's rulings with regard to permissible discovery and the scope of discovery would be reciprocal and would authorize Defendants to serve limited contention discovery related to the Plaintiffs' defenses to the Rule 60(b) Motion and related supporting documents and witnesses.

To this end, the Defendants' Response to the Plaintiffs' Scheduling Conference/CMO Motion requested that the Court "convene a Scheduling Conference, establish an expedited schedule

for resolution of the Rule 60(b) Motion, and determine after conference the nature and scope of discovery, if any, that is appropriate.” [Dkt. No. 771].

The Order entered by the Court relating to Plaintiffs’ Scheduling Conference/CMO Motion did not address reciprocal contention discovery by the Defendants relating to the Plaintiffs’ defenses, and supporting witnesses and documents to the Rule 60(b) Motion. The Defendants, therefore, request the Court authorize the Defendants to file the contention discovery attached to this Motion as Exhibit “A”. This discovery is limited to the 60(b) Motion and will allow the Defendants to prepare for the Rule 60(b) Motion Hearing and related briefing.

In light of the nature of this Motion, the Defendants request relief from the requirement to file a Memorandum Brief in support of this response. *See* Uniform Local R. 7.

RESPECTFULLY SUBMITTED, this the 30th day of August, 2018.

PHIL BRYANT, as Governor of the State of Mississippi; JESS H. DICKINSON, as Commissioner, Mississippi Department of Child Protection Services; and TRACY MALONE, as Deputy Commissioner of Child Welfare, Mississippi Department of Child Protection Services

By: /s/ James L. Jones

OF COUNSEL:

BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC  
Kenya Key Rachal (MSB #99227)  
James L. Jones (MSB #3214)  
Jake Adams (MSB #101538)  
One Eastover Center  
100 Vision Drive, Suite 400  
Jackson, MS 39211  
Telephone: (601) 351-2400  
Facsimile: (601) 351-2424

Harold E. Pizzetta, III  
Assistant Attorney General  
OFFICE OF THE MISSISSIPPI ATTORNEY GENERAL  
P. O. Box 220  
Jackson, MS 39205

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day electronically the foregoing document with the Clerk of Court using the ECF system which sent notification of such filing to the following:

Marcia Robinson Lowry (*phv*)  
Sara Robinson-Glasser (*phv*)  
Erica Reed (*phv*)  
A BETTER CHILDHOOD  
1095 Hardscrabble Road  
Chappaqua, NY 10410

W. Wayne Drinkwater, Jr. (MSB #6193)  
Michael J. Bentley (MSB #102631)  
BRADLEY, ARANT, ROSE & WHITE, LLP  
One Jackson Place  
188 E. Capitol St, Ste 400  
Jackson, MS 39201

Christian Carbone (*phv*)  
LOEB & LOEB, LLP  
345 Park Avenue  
New York, NY 10154

SO CERTIFIED, this the 30th day of August, 2018.

/s/ James L. Jones